

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
PLAINTIFF,                    )  
                                  )  
                                  )  
v.                             ) CIVIL ACTION NO. 2:07cv240-MHT  
                                  )  
                                  )  
FIFTY FOUR THOUSAND (\$54,000) )  
DOLLARS IN UNITED STATES    )  
CURRENCY; and,                )  
                                  )  
FIVE THOUSAND FOUR HUNDRED )  
THIRTY SIX AND 33/100        )  
(\$5,436.33) DOLLARS IN UNITED )  
STATES CURRENCY,              )  
                                  )  
DEFENDANTS.                    )

REQUEST TO ENTER DEFAULT

To: DEBRA P. HACKETT, CLERK OF THE COURT

The United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, hereby requests that you enter a default, pursuant to Federal Rule of Civil Procedure 55(a), against Gerard Burdette and all other persons and entities having an interest in the Defendant currency, for failure to file a claim or answer, or otherwise defend as provided for in the manner set forth in 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims.

Respectfully submitted this the 28<sup>th</sup> day of June, 2007.

FOR THE UNITED STATES ATTORNEY  
LEURA G. CANARY

/s/John T. Harmon  
John T. Harmon  
Assistant United States Attorney  
Office of the United States Attorney  
Middle District of Alabama  
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Bar Number: 7068-II58J

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DECLARATION IN SUPPORT OF  
REQUEST TO ENTER DEFAULT

1. I, John T. Harmon, am an Assistant United States Attorney and represent the United States of America (United States) in this action.

2. A Verified Complaint for Forfeiture In Rem was filed on March 16, 2007. The Complaint alleges that the Defendant currency constitutes monies furnished and intended to be furnished in exchange for controlled substances, represents proceeds of trafficking in controlled substances, and was used and intended to be used to facilitate violations of Title 21, United States Code, Sections 801 et seq., which is punishable by imprisonment of more than one year; therefore, the currency is subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 881(a) (6).

3. Pursuant to a Warrant and Summons for Arrest In Rem issued by this Court on March 23, 2007, all persons with an interest in the Defendant currency were required to file their claims with the Clerk of the Court within thirty (30) days of the execution of the Warrant and Summons for Arrest In Rem, publication of the Notice of Arrest, or actual notice of this action, whichever occurred first.

4. The United States Marshals Service for this District seized the Defendant currency on March 30, 2007.

5. Notice of said forfeiture action was published in the Montgomery Advertiser newspaper on April 9, 16, and 23, 2007.

6. On April 4, 2007, a United States Marshal attempted personal service on Gerard Burdette at 1336 Whisperwood Court, Montgomery, Alabama 36117. Notice of the endeavor was left at Gerard Burdette's place of residence and abode.

7. On May 1, 2007, Kannan Sharp, Legal Secretary for Attorney Bruce Maddox, accepted service on behalf of Gerard Burdette, and was personally served by the United States Marshals Service with a copy of the Verified Complaint for Forfeiture In Rem, Notice of Arrest and Seizure, and Warrant and Summons for Arrest In Rem.

8. Gerard Burdette has failed to file a claim or answer within the time permitted by applicable Statutes and Rules.

9. Declarant knows of no reason why a default against Gerard

Burdette and all other persons and entities having an interest in the Defendant currency should not now be entered.

I declare under penalty of perjury that the foregoing is true and correct.

Done this 28<sup>th</sup> day of June, 2007.

/s/John T. Harmon

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DEFENDANTS.                 )

ENTRY OF DEFAULT

It appearing that Kannan Sharp, Legal Secretary for Attorney Bruce Maddox, accepted service on behalf of Gerard Burdette from the United States Marshals Service of copies of the Verified Complaint for Forfeiture In Rem, Notice of Arrest and Seizure, and Warrant and Summons for Arrest In Rem on May 1, 2007;

It appearing that notice of the United States Marshals Service's attempt to personally serve Gerard Burdette was left at his place of residence and abode on April 4, 2007;

Gerard Burdette has failed to plead or otherwise defend as required by law.

DEFAULT hereby is entered against said **Gerard Burdette** and all other persons and entities having an interest in the Defendant currency this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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CLERK, UNITED STATES DISTRICT COURT